



Appeal Decisions

Site visit made on 28 March 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal A Ref: APP/Y1945/W/22/3302238

Pavement o/s 49-51 High Street, Watford WD17 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne of BT Telecommunications PLC against the decision of Watford Borough Council.
 - The application Ref 22/00467/FUL, dated 29 March 2022, was refused by notice dated 1 June 2022.
The development proposed is installation of 1no. new BT Street Hub, plus the removal of 2no. associated BT kiosks.
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Appeal B Ref: APP/Y1945/H/22/3302239

Pavement o/s 49-51 High Street, Watford WD17 2DJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications PLC against the decision of Watford Borough Council.
 - The application Ref 22/00468/ADV, dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The advertisement proposed is the display of 2no. digital 75" LCD advert screens, one on each side of the Street Hub unit.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A proposes installation of a BT Street Hub unit and removal of telephone kiosks. Appeal B involves the display of LCD screens on either side of the proposed unit. I have amended the descriptions of development above to reflect the scope of each appeal.
4. Whilst not included in the reasons for refusal, the Council's submission sets out its concerns regarding the effects of Appeal A on the character and appearance of the area. The appellant has responded on this matter, which I therefore consider to be a main issue.
5. As per the Regulations for the control of advertisements, I have limited my consideration of Appeal B to matters of amenity and public safety. I have had regard to the development plan only insofar that it is relevant to my consideration of those matters.

6. After the Decision Notice was issued, the Council adopted the Watford Local Plan 2021-2038 (LP) which superseded certain policies cited in the Decision Notice. I have determined the appeals in the context of the development plan in place at time of my decision.

Main Issues

7. The main issues for Appeal A are the effect of the proposal on the character and appearance of the area and highway safety.
8. For Appeal B, the main issues are the effects of the proposed advertisement on visual amenity and public safety.

Reasons

Amenity

9. The proposed advertisement would be displayed upon the Street Hub which would be sited on a wide section of pedestrian footway at the High Street to the front of restaurants, a cinema, and entrance to a shopping centre. The area surrounding the appeal site is principally commercial in character with a range of retail, leisure facilities and other town centre uses, with a mix of shopfronts and fascia signage.
10. The jagged rooflines of the modern restaurant units, patterned brick of the imposing cinema building, and curved glazing above the shopping centre entrance provide a striking contemporary form and appearance which contributes positively to the character of the area. The multicoloured paving and rows of cube bollards which separate the footway and carriageway complement the appearance of nearby buildings and create a high-quality public realm. The arrangement of timber planters in front of the restaurant units are laid out symmetrically.
11. Although providing telecommunications services including 5G and Wi-Fi, the appearance of the proposed Hub would principally be that of an advertisement with two large screens displayed on either side providing static images at a rate within industry guidelines. It would, due to its size and illumination, be eye-catching and would appear prominent within the street scene, being sited close to the edge of the carriageway and taller than nearby street furniture. The proposed unit and advertisement would appear visually dominant and detract from the positive contribution provided by the surrounding street furniture and would reduce the open, spacious character of the area. Moreover, their siting and appearance between the row of planters would disrupt the generally symmetrical layout of street furniture around the shopping centre entrance. The proposals would therefore appear as visual clutter which would harm the appearance of the public realm and would not readily assimilate into the area.
12. The proposal would involve the removal of existing telephone kiosks which are greater in volume than the proposed unit. However, as there are no existing kiosks within the immediate vicinity of the appeal site, their removal would not offset the proposed unit's harm to visual amenity in this location.
13. The appellant has suggested inclusion of a condition to address the Council's concerns regarding the effects of construction on the recently installed paving and street furniture. However, were a condition imposed, it would not overcome the proposal's harm that I have identified.

14. Near the appeal site are Grade II listed buildings, Nos 58 and 63-65 High Street, and locally listed building 62-70 High Street. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LCBA Act) requires special regard be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.
15. No 58 is a mid-19th century, two-storey, former house, currently in use as a restaurant. Its special interest is derived from its architectural details, including its large windows and doors with heavy, ornate surrounds, and its slate roof, raised parapet and prominent chimney. Nos 63-65 is a 19th century former bank building, also currently in use as a restaurant. The building's features of special architectural interest include its tall, three-storey brick and terracotta elevation, gable front, arches at the ground floor, and decorative carving and ornate moulding. No 58 is situated a short distance north-west along the High Street from the appeal site, and Nos 63-65 are situated to the south-east.
16. Locally listed building, Nos 62-70, is a three-storey building with modern shopfronts at the ground floor. The timber-framed upper storeys of the front elevation with rendered panels, and pitched, tiled, roof with brick chimneys, provide significant visual interest. Nos 62-70 are located on the opposite side of the High Street to the appeal site. Through their architectural detail and visual interest, the heritage assets make a positive contribution to the character of the area.
17. However, within the street scene are tightly packed buildings of a mix of types and the area has an overall modern character. Whilst the new unit would be visible within wider views of these heritage assets, as would a number of other modern buildings and feature. Due to the distance between the appeal site and the heritage assets, I do not consider the visual impacts of the proposed unit would amount to harm to their setting. In this regard the development would preserve the setting of nearby designated heritage assets and accord with LP Policies HE7.1, HE7.2 and HE7.3 which together require proposals to conserve the significance of heritage assets and their settings.
18. Whilst I have identified no harm in respect of heritage assets, the proposed Street Hub would be harmful to the character and appearance of the area, in conflict with LP Policies QD6.2 and QD6.4 which require proposals to achieve high quality design and reflect the character of the area. In terms of the proposed advertisement the National Planning Policy Framework (the Framework) recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. This is the case with the proposal before me and for the above reasons harm would be caused to the visual amenity of the area.

Highway safety / public safety

19. The appeal site is adjacent to a one-way section of the High Street with contraflow cycle routes. Automatic bollards provide access to buses and service vehicles. The proposed unit would be in front of a pedestrian entrance to the shopping centre, and a short distance to the south of the site is the junction with Market Street. Due to the concentration of retail and leisure uses and convergence of shopping streets, the area is busy with pedestrians.
20. The proposed unit would be oriented perpendicular to the carriageway and would be sited on the pavement close to the carriageway's edge. It would be

sited within a space which appears designed to allow pedestrians to cross the High Street. Having a relatively small footprint, the degree of obstruction to pedestrian flows would be small. However, the height and width of the proposed unit would obscure views for pedestrians, including young children and those with disabilities, of buses/delivery vehicles and cycles using this part of the highway from certain points along the carriageway's edge. Its presence would also restrict views of pedestrians from vehicles and cycles. Furthermore, the advertisement may cause a distraction to pedestrians crossing the road at a point where they should be concentrating on the road conditions.

21. The appellant has drawn my attention to other examples within the locality where advertisements have been deployed on the public highway. Whilst located within commercial areas, on the basis of the information before me, I cannot be certain that the specific details of each site are directly comparable, and this therefore limits the weight I can give these examples in my decisions. Notably, from the photographs provided, the advertisements do not appear to be sited near a road crossing, as in the case of the appeal site where pedestrians would be walking to/from the shopping centre toward Market Street.
22. As a consequence, there would be a high probability of conflict between pedestrians and vehicles/cycles using this busy part of the High Street. This would be harmful to highway safety in conflict with LP Policy QD6.2 which requires proposals to make a positive contribution to high quality design including by ensuring streets are efficient, convenient, and legible. There would also be conflict with the Framework which at paragraph 112 requires development to create places that are safe and secure and minimise the scope for conflicts between pedestrians, cyclists and vehicles.
23. In the context of Appeal B, the proposal would conflict with paragraph 136 of the Framework, which requires advertisements be subject to controls in the interests of public safety.

Other Matters

24. I understand the appellant has an obligation to provide telecommunications services to the public. Paragraph 114 of the Framework requires planning decisions to support the expansion of electronic communications networks including 5G mobile technology and full fibre broadband connections. At paragraph 118, the Framework states that Councils should not prevent competition between operators or question the need for an electronic communications system. In addition to its function as an advertisement, the proposed unit would provide 5G network coverage, full fibre Wi-Fi, and other features such as a wayfinding service, emergency 999 call button, device charging, and a platform for interactive technologies such as air quality monitoring. I note that such utility can contribute to the vitality of town centres and businesses, through attracting customers and tourists, promoting use of sustainable transport, and enhancing safety and accessibility.
25. I am mindful of these matters in respect of Appeal A; however, the benefits of the scheme could be provided elsewhere, and I am not persuaded that this is the only suitable site for such a facility. These matters do not outweigh the identified harm to character and appearance and highway safety.

26. In respect of Appeal B, these matters do not weigh in favour of the proposed advertisement as the only matters that I can consider relate to amenity and public safety.

Conclusion

27. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude that Appeal A and Appeal B should be dismissed.

E Dade

INSPECTOR